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EXAMINER				
JOSEPH, JAISON				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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DOCKETING.LIBERTYVILLE@MOTOROLA.COM
ADB035@Motorola.com

DETAILED ACTION

Applicant's arguments filed 01/28/2008 have been fully considered but they are not persuasive.

Regarding claim 1, applicant argue,

"Applicants assert that contrary to Examiners assertion that all elements of independent claim 1 and 23 are disclosed by CHEN, a method in a transmitter for data collision avoidance in an uncoordinated frequency hopping communication system is not. Further, the elements of transmitting one of the first data set and the second data set on the first frequency, delaying transmission of an other of the first data set and the second data set, and transmitting the other of the first data set and the second data set on a second frequency are similarly not disclosed."

However Examiner respectfully disagrees. Chen clearly teaches a method in a transmitter for data collision avoidance in an uncoordinated frequency hopping communication system (see abstract,) comprising: determining that a first data set to be sent to a first device and a second data set to be sent to a second device are scheduled to be transmitted simultaneously on a first frequency (see paragraph 0019); transmitting one of the first data set and the second data set on the first frequency (see paragraph 54, 58, and 68); delaying transmission of an other of the first data set and the second data set; and transmitting the other of the first data set and the second data set on a second frequency (see paragraph 68). Further Chen et al teach in paragraph 68 "the jamming signal provides an available space on the air channel for the transmission of the BT packet 204 in the interference region 232, where, as a result the WLAN packet 208 is delayed until the BT packet 204 has completed

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transmission." This is interpreted as "transmitting the other of the first data set and the second data set on a second frequency". Thus Chen et al clearly teach that packet 208 is delayed until the packet 204 is completely transmitted as explained in the previous office action. In a frequency hopping system, it is inherent that data is transmitted on a different hopping frequency at different time. Therefore the delayed signal is inherently transmitted on a second frequency. It is known that in a frequency hopping system, the carrier frequency of a channel is varied periodically (i.e., hopped) according to a predetermined hopping pattern. Therefore, when the data is transmitted on a same channel, the frequency will vary. Furthermore the claim does not recite the second frequency is different from the first frequency. Thus Chen et al meet all cited limitations. Therefore Examiner maintains the rejection of claim 1 – 13 and 23.

As per claim 14, Applicant argues "Applicant assert that contrary ... second data set is not". However Examiner respectfully disagrees. Chen et al teach in paragraph 56, "the CP device may accomplish this task by utilizing the jamming signal to defer the data packets of one protocol and create an open channel for the data packets of other protocol". Which is interpreted as discarding the second data set at the time the first data set is transmitted because the second data set is not transmitted. Therefore Chen et al teach all cited limitations. Thus Examiner maintains the rejection of claim 14. Furthermore Applicant is reminded that the examiner is entitled to give broadest reasonable interpretation to the language of the claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAISON JOSEPH whose telephone number is (571)272-6041. The examiner can normally be reached on M-F 9:30 - 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan can be reached on (571) 272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jaison Joseph/
Examiner, Art Unit 2611

/CHIEH M FAN/
Supervisory Patent Examiner, Art Unit 2611